

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 189, TO DECREASE THE MATCHING FUNDS REQUIREMENT AND AUTHORIZE ADDITIONAL APPROPRIATIONS FOR KEWEENAW NATIONAL HISTORICAL PARK IN THE STATE OF MICHIGAN**

**September 27, 2007**

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 189, a bill to remove the restriction on land acquisition, to decrease the matching funds requirement and to authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan.

The Department supports enactment of this legislation with one amendment described later in this statement.

S. 189 would amend P.L. 102-543 to remove the restriction on acquiring contaminated property and decrease the ratio for matching fund requirements. It also would increase the appropriation ceilings for development and for financial and technical assistance to owners of non-Federal property, and increase the ceiling for the operations of the Keweenaw National Historical Park Advisory Commission. These changes would enable Keweenaw National Historical Park to acquire land in a manner consistent with other national park units, to better preserve nationally significant resources inside as well as related resources outside of park boundaries, and to better implement the operation of the park's Advisory Commission as envisioned for this ground-breaking partnership park.

The Keweenaw National Historical Park was authorized by Congress in 1992 through Public Law 102-543 to preserve a portion of the Keweenaw Peninsula in the State of Michigan where the prehistoric, aboriginal mining of copper occurred. Artifacts made from this copper were traded as far south as Alabama.

The ensuing copper mining industry “pioneered deep shaft, hard rock mining, milling, and smelting techniques and advancements in related mining technologies later used throughout the world.” The picture of copper mining is best represented in the Village of Calumet, the former Calumet and Hecla Mining Company properties, and the former Quincy Mining Company properties. The Calumet National Historic Landmark District and the Quincy Mining Company National Historic Landmark District comprise the vast majority of the land within park boundaries. However, other resources outside the park boundary significantly contribute to “interpret[ing] the historic synergism between the geological, aboriginal, sociological, cultural, technological, and corporate forces that relate the story of copper on the Keweenaw Peninsula.”

The park has been unable to acquire key historic sites within the park boundaries because of the park-specific restriction in Section 4(d) of Public Law 102-543 on acquiring contaminated property. For example, the park was unable to pursue acquisition of the “Coppertown” site, which includes the historic Calumet & Hecla (C&H) Pattern Shop, the C&H Pattern Storage Warehouse, and the associated lands contributing to the cultural landscape of Calumet’s core industrial area, due to contamination revealed in environmental site assessments. This acquisition restriction stopped the National Park Service (NPS) from further action on these

important sites despite the limited extent of contaminants at this property and the desire of the park's Advisory Commission and the local community to consider their acquisition.

Existing Department of the Interior policies and procedures require a thorough environmental assessment and review prior to acquisition of real property, with an additional review and professional assessment of those areas found to possess contamination issues. Those areas are then subjected to a graduated approval process, beginning at the Regional Director level, going through the NPS Director, and on up to the Secretary of the Interior, depending on the projected costs of remediation.

The park-specific ban from NPS ownership of contaminated property applies even when mitigation has been undertaken to meet U.S. Environmental Protection Agency and Michigan Department of Environmental Quality requirements. This ban also prevents the park from considering alternatives such as acquiring preservation easements. The current restriction would prohibit acquisition even after a common remediation action such as capping contaminated soils is completed since the site would still contain contaminants. S. 189 would strike Section 4(d) of Public Law 102-543, allowing the NPS to acquire or to enter into partnerships for the acquisition of at-risk sites and other historic properties within the park boundaries while still requiring the areas to be subject to existing Servicewide safeguards. Those safeguards include a requirement in the National Park Service acquisition regulations that a contaminants study be prepared before the acquisition of park lands. In addition, the NPS will consider requiring indemnification agreements from current owners before acquisition of previously contaminated lands for this unit.

The Keweenaw region was built by and subsisted entirely on the wealth generated by the copper industry for more than 100 years. When the industry collapsed, the companies departed, leaving the Copper Country economically depressed. Community expectations of the establishment of a national park on the Keweenaw Peninsula included the development of heritage tourism to assist in economic recovery. In the fifteen years since the inception of the park, even though the park was given authority to provide financial assistance to owners of property containing nationally significant resources to foster historic preservation and visitor services development, there has rarely been an opportunity for the park to provide assistance due to the uncommonly high 4 to 1 match requirement. Depressed communities are hard pressed to provide four-fifths of the cost of preservation projects. The park's ability to foster a preservation ethic of nationally significant resources through partnerships rather than ownership and improve visitor services goals would be significantly enhanced by a decrease in the match requirement for financial and technical assistance to the more common 1 to 1 ratio. The increased ability to effect bricks-and-mortar preservation projects will, in turn, benefit the economic health of these communities. S. 189 would change the ratio from 4-to-1 to 1-to-1, providing a greater opportunity for the park to work with partners and to support the preservation and interpretation of the rapidly deteriorating resources of the park.

S. 189 also would raise the appropriations authorization ceiling for development from \$25 million to \$50 million. Since 2000, approximately \$6 million has been spent on park-owned facilities for administrative use, and it is anticipated that another \$7.5 million will be spent for both administrative and visitor use over the next three years. The park's General Management Plan (GMP) called for the early development of partnerships and assistance programs, followed

by park-owned visitor facilities. The park is now poised to enter into this facility development phase as prescribed. While the park does not know the total amount that would be spent on implementing this phase of the GMP, having an increased ceiling would allow the park to proceed with the plan and not be hindered by reaching a specific ceiling in the midst of planned activities.

Additionally, S. 189 would authorize Congress to appropriate up to \$250,000 annually to meet the needs of the Keweenaw National Historical Park Advisory Commission and would eliminate a required match of funds by the Commission. The Commission was authorized in 1992 to interface with the park's external partners and owners of historic properties and raise funds for park purposes. It has also been charged in part, to "carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the park, surrounding areas, and on the Keweenaw Peninsula." Although the Commission has put forth valiant efforts to meet its charge, it will be unable to effectively fulfill its mandates without recurring base funding. The present limit of \$100,000 on appropriations for the Commission would fund only the most minimal staff, or allow the Commission to only minimally reimburse the NPS for NPS-supplied-staff as required in the enabling legislation. This increase in the authorization ceiling and the elimination of matching requirements would allow for the sustained and viable operation of the Commission. With sustained operations, the Commission would be able to raise funds for park purposes, including financial and technical assistance to partner sites, and to fulfill its charge to carry out historical, educational, or cultural programs.

Finally, we recommend striking a provision in S. 189 concerning the ceiling on technical and financial assistance. The park has provided financial and technical assistance to owners of historic properties nearly entirely out of park operating funds. It is a primary function of this partnership park. It is expected that such assistance will continue through the use of discretionary park funds rather than specific appropriations for such purposes. Therefore, we recommend striking the language from the bill that seeks to increase the ceiling on financial and technical assistance from \$3 million to \$25 million and inserting language that eliminates this ceiling. This will result in the law not identifying a specific amount for the park to provide for such purposes and in having the park continue to fund this assistance through the park's base budget rather than providing a separate authorization for it. We have attached the proposed amendment to the testimony.

If enacted, the amendments in S. 189 would significantly enhance park development and operations by eliminating overly restrictive property acquisition criteria, by reducing unrealistic matching fund requirements, by increasing appropriation ceilings to levels that would support the mandates and purposes of the park, and by fulfilling the partnership provisions that are unique to this park unit.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members of the subcommittee may have.

Suggested amendment to S. 189

On page 2, line 10 strike subparagraph (B) in its entirety and insert a new subparagraph (B):

“(B) by striking “, and \$3,000,000 for financial and technical assistance to owners of non-Federal property as provided in section 8”.”